

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Municipal Administration and Urban Development Department – Proddatur Municipality, YSR (Kadapa) District – Sanction of the minimum time scale applicable to the post of Typist to Sri V. Manohar, Typist, working on contract basis in Proddatur Municipality, as per the orders of the Hon'ble High Court in W.P. M.P. No. 32652/2010 in W.P. No. 17563/2008 – Orders – Issued.

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MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (G2) DEPARTMENT

G.O. Rt. No. 1206

Dated: 15.09.2012  
Read the following:

1. Orders dated.28.01.2008 of Industrial Tribunal-cum-Labour Court Anantapur in I.D.No.56/2004.
2. G.O.Rt.No.936, Labour, Employment, Training & Factories (Lab.1) Department, Dated.30.04.2008.
3. The Hon'ble High Court of A.P., Hyderabad, Interim Order dated.14.8.2008 in W.P. M.P. No.22833/2008 in W.P.17563/2008.
4. Proceedings Roc.No.6295/2000-E1, Dated.03.12.2008 of the Commissioner Proddatur Municipality, Y.S.R. Kadapa District.
5. The Hon'ble High Court of A.P., Hyderabad, Interim Order dated.29.10.2010 in W.P. M.P. No.22833/2008 in W.P.17563/2008.
6. Orders dated.22.11.2011 of the Hon'ble A.P. High Court in W.A.No.94/2011.
7. From the CDMA Lr.Roc.No.22702/2010/M3, Dated.28.03.2012.
8. Government Memo.No.8201/2012 M.A.Deptt dated.03.04.2012.
9. Orders dated.23.04.2012 of the Hon'ble Supreme Court of India in Special Leave to appeal CC. No.5905/2012 in W.A.No.94/2011 of the Hon'ble High Court of A.P.
10. From the CDMA Lr.Roc.No.22702/2010/M3, dated.02.05.2012.
11. Government Memo.No.8201/G2/2012 M.A.Dated.24.07.2012.
12. From the CDMA Lr.Roc.No.22702/2010/M3, dated.08.08.2012.
13. From the CDMA Lr.Roc.No.22702/2010/M3, dated.01.09.2012.

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ORDER:

Sri V. Manohar was engaged as Typist in Proddatur Municipality on certain terms and conditions on daily wages basis of Rs.94/- per day w.e.f.1.11.2001 to 31.10.2002. Individual has requested for appointment on regular basis, considering his services as Typist during the above period. On denial, Sri V. Manohar has filed a case in Labour Court, Ananthapur.

2. In the reference 1<sup>st</sup> read above, the Hon'ble Industrial Tribunal–Cum-Labour Court Ananthapur, have directed to reinstate him into service within one month from the date of publication of the Award. The Award has been published vide reference 2<sup>nd</sup> read above.

3. Aggrieved with the above orders, the Commissioner Proddatur Municipality has preferred an appeal in the Hon'ble High Court in W.P.No.17563/2008. The Hon'ble High Court, vide their orders dated.14.08.2008 vide reference 3<sup>rd</sup> read above have ordered as follows:

*"There shall be interim stay on condition that the second respondents shall be reinstated into service, on the last drawn wages".*

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4. Accordingly, in pursuance of the above orders the Commissioner, Proddatur Municipality has reinstated Sri V. Manohar, in to service vide his Proceedings 4<sup>th</sup> read above.

5. The Hon'ble High Court of A.P. in W.P. M.P. No.32652/2010 in W.P.No.17563/2008 in the reference 5<sup>th</sup> read above have ordered the Municipal Commissioner, Proddatur to pay the minimum time scale to Sri V. Manohar applicable to be post of Typist pending disposal of the W.P. He is also entitled for arrears from the date of reinstatement.

6. The Municipal Commissioner, Proddatur Municipality has filed Writ Appeal No. 94/2011 on the above orders of the Hon'ble High Court of A.P. Upon its perusal, the Hon'ble High Court of A.P. vide their orders dated.22.11.2011, in reference 6<sup>th</sup> read above, in W.A.No.94/2011 have dismissed the Writ Appeal.

7. In its letter 7<sup>th</sup> read above, the Commissioner and Director of Municipal Administration, Hyderabad has stated that as per the instructions issued by him the Proddatur Municipality has filed SLP before the Hon'ble Supreme Court and that in the meanwhile, the individual has filed contempt case insisting the Municipal Commissioner, Proddatur for implementation of the High Court orders dated.29.10.2010 in W.P. M.P. No.32652/2010 in W.P. No.17563/2008 for payment of minimum time scale to Sri V. Manohar contract Typist, Proddatur Municipality.

8. The Hon'ble Supreme Court of India vide reference 9<sup>th</sup> read above have ordered in Special Leave to Appeal (Civil) C.C.No.5905/2012 on the orders dated.22.11.2011 in W.A.No.94/2011 of the High Court of A.P. that they are not inclined to interfere with impugned judgment.

9. In his letter 10<sup>th</sup> read above, the Commissioner and Director of Municipal Administration, Hyderabad, has stated that according to orders of Hon'ble High Court of A.P. in contempt case C.C.No.1655/2011 dated.22.03.2012, the minimum time scale with arrears must be given to Sri V. Manohar Contract Typist to avoid contempt proceedings. He has further stated that minimum time scale of Typist post in PRC 2010 is Rs.8440-24950, but as per instructions, in G.OMs.NO.3 Finance (SMPC-II) Department, 12.01.2011, the remuneration to the post of Typist appointed on contract basis / outsourcing of Rs.8400/- per month. Accordingly, he has requested to issue necessary orders in the matter.

10. In the Government Memo. 11<sup>th</sup> read above, the Commissioner and Director of Municipal Administration, Hyderabad, has been requested to direct the Municipal Commissioner, Proddatur to pay remuneration to the individual as per G.O.Rt.No.2501 Finance (SMPC-I) Department dated.13.07.2006 from the date of his reinstatement w.e.f. 10.08.2009 and from 12.01.2011 as per G.O.Ms.No.3 Finance (SMPC-II) Department dated.12.01.2011.

11. The Commissioner and Director of Municipal Administration, Hyderabad, in his letters 12<sup>th</sup> & 13<sup>th</sup> read above has stated that the Hon'ble High Court expressed their view that payment of wages in terms of the cited G.O.s will not amount to compliance, since under the said G.O.s only wages were fixed to the outsourcing employees, whereas the Hon'ble High Court directed to pay the minimum time scale applicable to the post of Typist. Therefore, he has requested to permit him for implementation of the Hon'ble High Court orders for sanction of minimum time scale in the category of Typist (Pay + D.A.) to Sri V. Manohar contract Typist, subject to out come of final orders of W.P.No.17563/2008.

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12. Government after careful examination of the matter hereby permit, the Commissioner and Director of Municipal Administration, Hyderabad to sanction minimum time scale i.e. (Basic + DA) without any other benefits to Sri V. Manohar, contract Typist, working in Proddatur Municipality w.e.f. his date of reinstatement i.e. 10.08.2009 as per the orders of Hon'ble High Court of A.P in W.P.M.P.No.32652/2010 in W.P.No.17563/2008, subject to final outcome of W.P.No.17563/2008 and that the extension of minimum time scale shall not confer any right for regularization of his services.

13. The Commissioner and Director of Municipal Administration, Hyderabad shall take necessary further action, accordingly.

14. This orders issues with the Concurrence of Finance (PC.III) Department vide their U.O. No.24715/341/A1/PC-III/2012, Dated.07.09.2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. SAM BOB  
PRINCIPAL SECRETARY TO GOVERNMENT (MA) (FAC)

To  
The Commissioner and Director of Municipal Administration, Hyderabad  
The Municipal Commissioner, Proddatur Municipality, Y.S.R. Kadapa District  
Copy to:  
The Advocate General, A.P. High Court, Hyderabad  
The Finance (PC.III) Department  
P.S. to Secy. to the Hon'ble M (MA)  
P.S to Principal Secretary to MA  
Sc/Sf

//FORWARDED:: BY ORDER//

SECTION OFFICER